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DEPARTMENT OF STATE
ACTION MEMORANDUM

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S/S *PK*

CONFIDENTIAL

August 3, 1977

COPIES TO:

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ARA
PM
D/HA
ACDA
RF-WS

TO: The Acting Secretary
THROUGH: T - Lucy Wilson Benson *LWS*
FROM: PM - Leslie H. Gelb *zHf*

D/HA

Decision on Argentine Conventional Arms Transfer

Issue for Decision

Whether to recommend to the President approval of the sale of helicopters to Argentina.

Essential Factors:

Attached is a memorandum from you to the President recommending approval of a commercial case involving the sale of eight Bell UH-1H armored helicopters (equipped to accept machine guns valued at \$15 million to Argentina. Earlier submission of this case was held up along with many other Argentine commercial Munitions List licenses and FMS cases because of human rights considerations. On July 25, however, the Secretary approved a recommendation that would permit continued sales of defense articles and services to Argentina (each proposal to be reviewed by him on a case by case basis) except for defense articles ordered for police and civil law enforcement use which he agreed should be withheld. This case involves helicopters which the manufacturer states are to be used by the Argentine President (2) and for Antarctic exploration (6). I believe it should be sent to the President for his review with the suggestion we notify Congress in accordance with Section 36(c) of the Arms Export Control Act. The Bell-Textron company continues to complain about the delay, and Senator Bentsen expressed his personal concern to the Secretary that the issue be resolved. The Secretary has indicated that he is disposed to approve the case.

ACDA, DOD, ARA and H concur with PM in recommending approval. D/HA disagrees, asserting that the recurring and continuing kidnappings, arbitrary detentions and reports of tortures and other violations of the integrity of the person require that at the very least approval of the sale of these helicopters be conditioned on Argentine government guarantees that their use will be limited to the purposes specified.

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Recommendation:

That you initial the attached Memorandum to the President.

Attachment:

Memorandum to the President.

✓
Drafted: PM/SAG:RTitus:ld
8/3/77: ext. 23876

Clearance: ✓ ACDA/WEC/ATE - Ms. Watson ✓

D/HA - Mr. Jones ✓

ARA/ECA - Dr. Van Treek ✓

ARA/RPP - Col. Quigg ✓

PM/MC - Mr. Femminella (subs) ✓

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MEMORANDUM FOR: THE PRESIDENT

FROM: Warren Christopher, Acting

SUBJECT: Request for a Decision on an Argentine Conventional Arms Transfer Case

Issue

Since Secretary Vance's July 18 memorandum to you, a commercial case which had been held up along with many other Argentine Foreign Military Sales (FMS) and commercial cases because of unresolved human rights questions has reached the point of decision prior to Congressional notification. This case falls within the new policy guidelines and I am recommending that it be approved. DOD concurs in this recommendation. The case involves the sale of eight Bell UH-1H helicopters for use by the Argentine President and for Antarctic activities.

Background

The total value of this commercial case is \$15 million. There is some urgency because we have delayed the matter while reviewing the Argentine human rights situation. The Bell Company has complained about the lack of a decision, and Senator Bentsen has expressed concern to Secretary Vance over our delay in reaching a decision on the sale. Although the helicopters are protectively armored and capable of being armed, the manufacturer states that two of the helicopters are for Presidential use and that six others are destined for use in Antarctica. Since they will not be used

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by the police or civil law enforcement agencies, their relationship to human rights problems is remote. While we have been very concerned about human rights practices in Argentina, I believe that, in the interest of our overall bilateral relationship with this important South American country, we should allow the sale of carefully selected military items such as these helicopters.

Recommendation:

That you approve the proposed sales case described above and authorize its required notification to the Congress.

Authorize. Yes _____ No _____

ALTERNATIVELY, that you delay approval of this case and authorization until the human rights situation in Argentina is significantly improved.

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RG59 P-14 Christopher

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